REMARKS

This Response and Amendment is filed in response to the Office Action dated December 11, 2003.

Claims 1-55 are pending in this application. Applicants gratefully acknowledge the Examiner's indication that Claims 18, 19, 21-32, 36-39, 47, 49, and 52 include allowable subject matter.

On page 2 of the Office Action, the drawings of the present application are objected to under 37 CFR 1.83(a). With reference to the attached annotated marked-up drawing for FIG. 1, reference numeral "25" has been added to identify the "air chamber" in FIG. 1. Also, with reference to the attached annotated marked-up drawing for FIG. 6, reference numeral "69" has been deleted to correctly identify the "belts" with reference numeral "65". Further, reference numeral "69" has been re-inserted to correctly identify the "lifting frame" supporting the pallet 66 in FIG. 6. No new matter has been added.

On pages 2 and 3 of the Office Action, Claims 1-17, 20, 33-35, 40-46, 48, 50, 51, and 53-55 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,842,577 to Stevens et al. ("Stevens") in view of U.S. Patent No. 4,470,589 to Singer ("Singer").

Stevens discloses a method and apparatus for sorting documents extracted from envelopes and acquiring image data from the sorted documents. With reference to FIGS. 1 and 2 of Stevens, a general overview of the flow of documents through the apparatus is provided. Initially, a stack of envelopes is placed into an input bin 16 of a envelope feeder 15. The envelope feeder 15 serially feeds the envelopes into a system transport 75 that conveys the envelopes to an envelope qualifying station 20 that includes a thickness detector 22, a metal detector 24 and an optical envelope imager 25. The envelope qualifying station 20 examines each envelope to determine whether the envelope qualifies for extraction. Envelopes that are qualified for extraction are opened in a cutting area 30 and then conveyed to an extractor 50 to extract the documents from the envelopes. A singulator 110 separates the documents within the

3

envelopes and serially feeds the documents into the orientation section 100. In the orientation section 100, the order and orientation of each document are determined. The documents are then selectively manipulated by a reordering module 145, a reverser 150, and a twister 170 so that the documents in each transaction are in a predetermined order and orientation. After the documents are properly ordered and oriented, the documents are conveyed to an imaging section 200 that magnetically and optically images the documents to acquire image data for each document. After the documents are imaged, a printer module 240 prints information on the documents, such as the batch number, the transaction number, the document number, and the date on which the document was processed. From the printer module, the documents are conveyed to a stacker 300, which sorts the documents into a series of bins 302a-302h. A system controller 95 monitors the flow of documents in response to signals received from the various components of the apparatus 10.

Independent Claim 1 recites (underlining added for emphasis):

> A separator sheet handling assembly for sorting a stack of separator sheets into different locations depending on their characteristics, said separator sheet handling assembly comprising:
>
> a lifting assembly adapted to receive a pallet having the stack of separator sheets piled thereon;
>
> a feed assembly adapted to consecutively engage a separator sheet positioned at the top of the stack of separator sheets;
>
> a test assembly for monitoring the separator sheets received from the feed assembly;
>
> a first storage assembly for receiving designated separator sheets; and
>
> a second storage assembly for receiving the remaining separator sheets.

Independent Claim 1 is directed toward a separator sheet handling assembly for sorting a stack of separator sheets, which is within the Applicant's field of endeavor. This is in contrast to Stevens, which discloses a field of endeavor (i.e., extraction of documents from envelopes) outside that of the Applicants.

4

The Applicant's field of endeavor, as discussed in the present application, includes using separator sheets in stacking multiple layers of products onto pallets. The separator sheets are placed between the layers of products to provide a uniform support surface for each layer of product. The uniform support surface makes adding and removing the top layer of products easier. As the top layers of products are removed from the pallet, the separator sheets between each layer are removed and set aside for potential reuse. The present invention is concerned with determining whether the separator sheets include specific characteristics.

The field of endeavor disclosed in Stevens is substantially different than that of the Applicants. Stevens emphasizes extracting documents (e.g., checks and invoices) from an envelope and magnetically and optically imaging the documents to acquire image data for each document. More particularly, in the imaging section 200 disclosed by Stevens, a MICR character reader 220 is employed to read the MICR line on the checks, while an image acquisition module 230 scans the documents to obtain an optical image of each document. An imaging computer 260 then processes each image to extract information (e.g., the OCR line on an invoice) from the image to create an electronic record for each document. The computer 260 is further operable to position a gate 245 to direct each document either to the stacker 300 for sorting or to a reject bin 250, when, for example, the MICR character reader 220 is not able to read the MICR line on the checks or the imaging computer 260 is not able to extract usable information from the image (e.g., when the image quality is low). The documents in the reject bin 250 may then be manually processed.

The Applicants respectfully submit that the MICR character reader 220 and the image acquisition module 230, which the Examiner refers to as a "test assembly (220, 230 of FIG. 2)" in the Office Action, do not perform any testing functions on the documents (i.e., the checks or the invoices). Rather, the reader 220 merely reads the MICR line on the checks and communicates the information to the imaging computer 260, while the module 230 merely scans each document to create an image for the imaging computer 260 to processes and extract information (e.g., the OCR line on an invoice) from the image to create an electronic record for each document. The imaging computer 260 does not determine whether the documents include

5

specific characteristics, and then directs the documents to either of the stacker 300 or the reject

bin 250 depending on those characteristics. Rather, the imaging computer 260 merely attempts

to automatically acquire information from the documents to compile a record of the document.

If the imaging computer 260 is not able to automatically acquire the necessary information from

the documents to compile a record of the document, the documents are routed to the reject bin

250 for manual processing to compile a record of the document.

Therefore, the Applicants respectfully submit that one skilled in the art of separator

sheets and separator sheet handling assemblies would not reasonably look to the art of document

extraction from envelopes for design solutions. As such, the Applicants respectfully submit that

Stevens is non-analogous to the invention as claimed in independent Claim 1, and that Stevens

can not fairly be used, either alone or in combination with Singer, as a basis for rejecting

independent Claim 1. Therefore, the Applicants respectfully request withdrawal of the 103(a)

rejection of independent Claim 1.

Dependent Claims 2-17 and 20 are ultimately dependent upon independent Claim 1, and

are therefore believed to be allowable for the same and other reasons.

Independent Claim 33 recites (underlining added for emphasis):

> A method for sorting separator sheets that are used in
> stacking products in multiple horizontal layers onto a pallet, the
> method comprising:
>
> providing a pallet containing a stack of separator sheets;
>
> removing a separator sheet positioned on top of the stack of
> separator sheets;
>
> testing the separator sheet for a particular characteristic;
>
> delivering the separator sheet to a first storage assembly if
> the separator sheet has the particular characteristic; and
>
> delivering the separator sheet to a second storage assembly
> if the separator sheet does not have the particular characteristic.

Independent Claim 33 is directed toward a method for sorting separator sheets that are

used in stacking products in multiple horizontal layers onto a pallet, which is also within the

Applicant's field of endeavor. This is in contrast to Stevens, which discloses a field of endeavor (i.e., a method of extracting documents from envelopes and extracting information from the documents to create a record of the documents) outside that of the Applicants.

For the same reasons as discussed above, the Applicants respectfully submit that one skilled in the art of separator sheets and sorting separator sheets would not reasonably look to the art of document extraction from envelopes for design solutions. As such, the Applicants respectfully submit that Stevens is non-analogous to the invention as claimed in independent Claim 33, and that Stevens can not fairly be used, either alone or in combination with Singer, as a basis for rejecting independent Claim 33. Therefore, the Applicants respectfully request withdrawal of the 103(a) rejection of independent Claim 33.

Dependent Claims 34, 35, and 40 are ultimately dependent upon independent Claim 33, and are therefore believed to be allowable for the same and other reasons.

For purposes of brevity, the Applicants respectfully submit that Stevens is non-analogous to the invention as claimed in independent Claim 41 for the same reasons as discussed above, and that Stevens can not fairly be used, either alone or in combination with Singer, as a basis for rejecting independent Claim 41. Therefore, the Applicants respectfully request withdrawal of the 103(a) rejection of independent Claim 41.

Dependent Claims 42-46 and 48 are ultimately dependent upon independent Claim 41, and are therefore believed to be allowable for the same and other reasons.

In addition, the Applicants respectfully submit that Stevens is non-analogous to the invention as claimed in independent Claim 50 for the same reasons as discussed above, and that Stevens can not fairly be used, either alone or in combination with Singer, as a basis for rejecting independent Claim 50. Therefore, the Applicants respectfully request withdrawal of the 103(a) rejection of independent Claim 50.

Dependent Claims 51 and 53-55 are ultimately dependent upon independent Claim 50, and are therefore believed to be allowable for the same and other reasons.

CONCLUSION

In view of the amendments and remarks presented herein, it is respectfully submitted that the claims as filed are in condition for allowance. The Applicants kindly request that the Examiner telephone the attorney of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,

Timothy M. Kelley
Reg. No. 34,201

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560